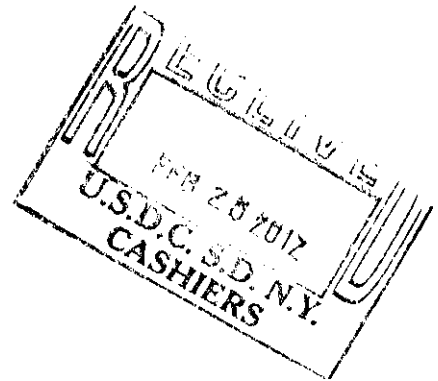


JUDGE PROCT

Danial A. Nelson (DN4940)
Kevin P. McCulloch (KM0530)
NELSON & McCULLOCH LLP
The Chrysler Building
405 Lexington Ave., 26th Floor
New York, New York 10174
T: (212) 907-6677
F: (646) 308-1178

12 CIV 1485



Counsel for Plaintiffs

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

LOUIS PSIHOS,

Plaintiff,

v.

LG ELECTRONICS U.S.A., INC.,

Defendants.

Civil Action No.:

**COMPLAINT AND
DEMAND FOR A JURY TRIAL**

Plaintiff Louis Psihoyos, by and through undersigned counsel, pursuant to Rule 8 of the Federal Rules of Civil Procedure and the Local Rules of this Court, hereby demands a trial by jury of all claims and issues so triable and, for his Complaint against Defendant LG ELECTRONICS U.S.A., INC. ("Defendant LG" or "LG") states as follows:

JURISDICTION AND VENUE

1. Jurisdiction for Plaintiff's claims lies with the United States District Court for the Southern District of New York pursuant to the Copyright Act of 1976, 17 U.S.C. §§ 101, *et seq.*, and 28 U.S.C. § 1338(a) (conferring original jurisdiction over claims arising under any act of Congress relating to copyrights).

2. This is an action for copyright infringement and related claims brought by Plaintiff, the registered owner of copyright in the photograph that is the subject of this action, against Defendant for unauthorized uses of that copyrighted photograph.

3. Venue is proper in this Court under 28 U.S.C. §§ 1391(a) and (b) because Defendant conducts substantial business within the State of New York, have infringed Plaintiff's copyrights within the State of New York as described herein, and a substantial part of the events or omissions giving rise to Plaintiff's claims occurred in the State of New York; and under 28 U.S.C. § 1400(a) since the alleged misconduct by Defendant occurred in this district.

PARTIES

4. Plaintiff Louis Psihoyos ("Psihoyos") is a resident of the State of Colorado.

5. Psihoyos is a professional photographer who makes his living by taking and licensing photographs.

6. Defendant LG is a Delaware Corporation having its principal place of business at 1000 Sylvan Avenue, Englewood Cliffs, New Jersey.

7. Defendant LG is one of the world's leading providers of televisions and other consumer electronics.

FACTUAL ALLEGATIONS

8. Psihoyos created and owns the "500 TVs" photograph ("the subject photograph") that is the subject of this litigation.

9. Defendant LG created or caused to be created or otherwise licensed or commissioned an unauthorized derivative work of the "500 TVs" photograph in conjunction with its "Without Boundaries" campaign.

10. Prior to its creation of the unauthorized derivative work that is the subject of this

litigation, Defendant LG had been warned repeatedly to cease and desist from the creation of derivative works of the 500 TVs photograph.

11. Plaintiff is the registered copyright owner of the subject photograph, which was registered with the U.S. Copyright Office prior to the infringements at issue in this case.

12. Defendant, by its willful and knowing actions, injured Plaintiff by engaging in the unlicensed, unauthorized, and uncompensated use of Plaintiff's creative work and, as such, deprived Plaintiff of his rightful control over and compensation for the use of his creative works.

13. Upon information and belief, Defendant has and continues to financially benefit from the uncompensated use of Plaintiff's creative work.

14. Plaintiff's "500 TVs" photograph and a screen shot from Defendant LG's unauthorized derivative work are attached hereto as Exhibits 1 and 2.

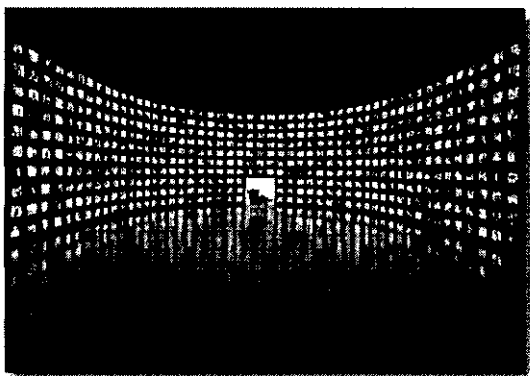


Exhibit 1

LG "Without Boundries" booth walls

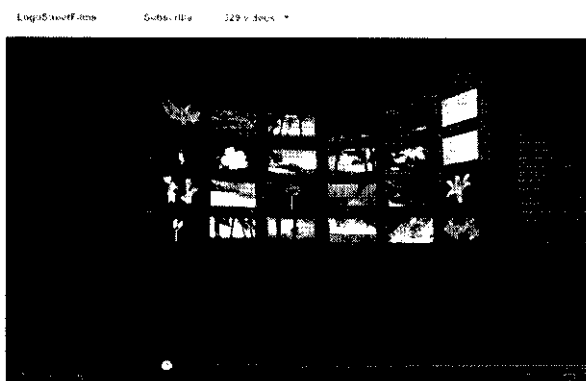


Exhibit 2

COUNT I
(COPYRIGHT INFRINGEMENT AGAINST DEFENDANT LG)

15. Plaintiff repeats and re-alleges each allegation set forth in paragraphs 1-14 as if set forth fully herein.

16. Plaintiff has registered copyright in and to the photograph identified herein with the United States Copyright Office.

17. Defendant created an unauthorized derivative work of the subject photograph without having any permission to do so.

18. By infringing Plaintiff's copyrights in creating and distributing the infringing television program, Defendant misappropriated Plaintiff's intellectual property for its own profit, causing Plaintiff significant injuries, damages, and losses in amounts to be determined at trial.

19. Defendant's unauthorized copying of the subject photograph was willful.

20. Plaintiff seeks all damages recoverable under the Copyright Act, including statutory or actual damages, including Defendant's profits attributable to the infringing use of subject photograph and the damages suffered as a result of the lack of compensation, credit, and attribution. Plaintiff also seeks all attorneys' fees and any other costs incurred in pursuing and litigating this matter.

WHEREFORE, Plaintiff respectfully prays for judgment on his behalf and for the following relief:

1. A preliminary and permanent injunction against Defendant precluding Defendant from copying, displaying, distributing, advertising, promoting, and/or selling the infringing materials identified herein, and requiring Defendant to deliver to the Court for destruction or other appropriate disposition all relevant materials, including digital files of the infringing materials described in this complaint, that are in the control or possession or custody of Defendant;

2. All allowable damages under the Copyright Act, including but not limited to, statutory or actual damages, including damages incurred as a result of Plaintiff's loss of licensing revenue, and Defendant's profits attributable to infringement;

3. Plaintiff's full costs, including litigation expenses, expert witness fees, interest, and any other amounts authorized under law, and attorneys' fees incurred in pursuing and litigating this matter;

4. Any other relief authorized by law, including punitive and/or exemplary damages; and

5. For such other and further relief as the Court deems just and proper.

JURY TRIAL DEMANDED

Dated February 28, 2012
New York, New York.

Respectfully submitted,

NELSON & McCULLOCH LLP

By: 

Danial A. Nelson (DN4940)
Kevin P. McCulloch (KM0530)
The Chrysler Building
405 Lexington Ave., 26th Floor
New York, New York 10174
T: (212) 907-6677
F: (646) 308-1178

dnelson@nelsonmcculloch.com
kmcculloch@nelsonmcculloch.com

Attorneys for Plaintiff